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Attorneys for Petitioners Darwin H. Simmons
and Nina R. Simmons, Trustees of the
Simmons Family Trust

BEFORE THE CALIFORNIA STATE
WATER RESOURCES CONTROL BOARD

In Re:)	PETITION FOR REVIEW
)	(Requested to be held in Abeyance)
Virginia L. Drake, Trustee of the Drake)	
Revocable Trust, James E. Simmons,)	California Regional Water Quality Control
Darwin H. and Nina R. Simmons, Trustees)	Board–Central Valley Region, May 4, 2006
of the Simmons Family Trust, and City of)	Hearing, Administrative Civil Liability
Chico,)	Order No. R5-2005-0525, as amended
_____)	

TO ALL PARTIES AND THE ATTORNEYS OF RECORD IN THIS ACTION:

The following is a Petition for Review, filed on behalf of Darwin H. Simmons and Nina R. Simmons, Trustees of the Simmons Family Trust, to the State Water Resources Control Board for review of the California Regional Water Quality Control Board–Central Valley Region’s adoption of Administrative Civil Liability Order No. R5-2005-0525, as amended.

1. Petitioners’ Name and Address (23 Cal. Code Regs. §2050(a)(1))

Darwin H. Simmons and Nina R. Simmons,
Trustees of the Simmons Family Trust
1340 Spruce Avenue
Chico, California 95926

2. **Specific Action to be Reviewed** (23 Cal. Code Regs. §2050(a)(2))

Issuance of Administrative Civil Liability Order No. R5-2005-0525, as amended.

3. **Date of Regional Board Action** (23 Cal. Code Regs. §2050(a)(3))

The Regional Water Quality Control Board adopted the above-referenced Administrative Civil Liability Order No. R5-2005-0525, as amended, on May 4, 2006.

4. **Statement of Reasons** (23 Cal. Code Regs. §2050(a)(4))

Petitioners request that the petition be held in abeyance pursuant to 23 Cal. Code Regs. §2050.5 and reserve the right to supplement this Petition for Review with submission of a statement of reasons.

5. **Manner in Which Petitioners are Aggrieved** (23 Cal. Code Regs. §2050(a)(5))

See No. 4 above.

6. **Specific Action Requested** (23 Cal. Code Regs. §2050(a)(6))

Petitioners request that the petition be held in abeyance pursuant to 23 Cal. Code Regs. §2050.5 and reserve the right to request review.

7. **Statement of Points and Authorities** (23 Cal. Code Regs. §2050(a)(7))

Petitioners request that the petition be held in abeyance pursuant to 23 Cal. Code Regs. §2050.5 and reserve the right to submit a statement of points and authorities.

8. **Regional Board Notification** (23 Cal. Code Regs. §2050(a)(8))

As set forth in the attached Exhibit “A,” a copy of this petition has been sent to the Regional Water Quality Control Board.

9. **Statement of Substantive Issues and Objections** (23 Cal. Code Regs. §2050(a)(9))

Petitioners request that the petition be held in abeyance pursuant to 23 Cal. Code Regs. §2050.5 and reserve the right to assert the substantive issues and objections raised prior to the time of the hearing.

10. **List of Persons**

Petitioners request that the petition be held in abeyance pursuant to 23 Cal. Code Regs. §2050.5 and reserve the right to provide a list of persons known to have an interest in the subject matter of the petition.

11. **Record Request**

Petitioners request that the petition be held in abeyance pursuant to 23 Cal. Code Regs. §2050.5 and reserve the right to request that the Regional Water Quality Control Board prepare the record.

PETITIONERS HEREBY REQUEST that this matter be held in abeyance until further notice. Petitioners reserve the right to request a hearing to present evidence available that was not considered by the Regional Board or was improperly excluded or otherwise not considered.

DATED: May 25, 2006.

Respectfully submitted,

CARR, KENNEDY, PETERSON & FROST

By /s/ Randall C. Nelson

Randall C. Nelson, Attorneys for
Petitioners Darwin H. Simmons and
Nina R. Simmons, Trustees of
the Simmons Family Trust

EXHIBIT A

May 25, 2006

Pamela Creedon
Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive, #200
Rancho Cordova, CA 95670-6114

Re: Humboldt Road Burn Dump Area 8
Administrative Civil Liability Order No. R5-2005-0525, As Amended

Dear Ms. Creedon:

I am writing to you on behalf of Darwin H. Simmons and Nina R. Simmons, Trustees of the Simmons Family Trust, petitioners of the above-referenced Order, to provide a copy of the petition for review which has been filed on the trustees' behalf. As you will note, this petition has been filed with the request that it be held in abeyance.

Very truly yours,

RANDALL C. NELSON

RCN:es
Enclosure

cc: Clients (via email)
Jeffory J. Scharff (via email)
Mac Goldsberry, II, Esq. (via email)
Dave Frank, Esq. (via email)
Frances McChesney, Esq. (via email)
David Boyers, Esq. (via email)
Elizabeth Miller Jennings, Esq. (via email)

PROOF OF SERVICE

CASE NAME : In Re Virginia L. Drake, Trustee of the Drake Revocable Trust,
James E. Simmons, Darwin H. and Nina R. Simmons, Trustees
of the Simmons Family Trust, and City of Chico

COURT :
CASE NO. :

I, the undersigned, declare:

I am over the age of eighteen years and not a party to the cause. I am employed by the law firm of Carr, Kennedy, Peterson & Frost, 420 Redcliff Dr., P.O. Box 492396, Redding, California 96049-2396.

On this date, I served the document described as: **PETITION FOR REVIEW (Requested to be held in Abeyance) California Regional Water Quality Control Board–Central Valley Region, May 4, 2006 Hearing, Administrative Civil Liability Order No. R5-2005-0525, as amended**, on the interested parties in this matter by placing a true copy thereof in a sealed envelope addressed as follows:

Jeffory J. Scharff
Attorney at Law
2625 Fair Oaks Boulevard, Suite 7
Sacramento, California 95864

Attorneys for Virginia L. Drake, Trustee
of the Drake Revocable Trust

David R. Frank, City Attorney
City of Chico
P.O. Box 3420
Chico, California 95927-3420

Attorney for City of Chico

Francis M. “Mac” Goldsberry, II, Esq.
Goldsberry, Freeman & Guzman, LLP
777 12th Street, Suite 250
Sacramento, CA 95814

Frances McChesney, Esq.
State Water Resources Control Board
P. O. Box 100
Sacramento, CA 95812-0100

1 David Boyers, Esq.
2 State Water Resources Control Board
3 P. O. Box 100
4 Sacramento, CA 95812-0100

5 Service of the above document was effectuated by the following means of service:

6 X **By First Class Mail** -- I am readily familiar with this firm's practice for
7 collection and processing of correspondence for mailing with the United States
8 Postal Service. It is deposited with the United States Postal Service in the
9 ordinary course of business on the same day it is processed for mailing. I
10 caused such envelope(s) to be deposited in the mail at Redding, California. The
11 envelope(s) was/were mailed with postage thereon fully prepaid.

12 **By Personal Service** -- By personally delivering a true copy thereof in a sealed
13 envelope(s).

14 **By Overnight Delivery Service** -- I caused such envelope(s) to be deposited in
15 a box or other facility regularly maintained by the express service carrier or
16 delivered to an authorized courier or driver authorized by the express service
17 carrier to receive documents. The envelope(s) was/were deposited with the
18 express service carrier with delivery fees paid or provided for.

19 **Facsimile Transmission** -- I served the documents in this matter via facsimile
20 transmission.

21 **State Court** -- I declare under penalty of perjury under the laws of the State of
22 California that the foregoing is true and correct and that service was made under
23 the direction of an active member of the State Bar of California and who is not
24 a party to the cause.

25 **Federal Court** -- I declare under penalty of perjury that the foregoing is true
26 and correct and that service was made under the direction of a member of the
bar of this Court who is admitted to practice and is not a party to the cause.

Executed this 25th day of May, 2006, at Redding, California.

/s/ Elaine Sanders

ELAINE SANDERS